



AUG - 8 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450, ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

DR VIVIANNA AMZEL
EPIGENESIS PHARMACEUTICALS, INC
7 CLARKE DRIVE
CRANBURY NJ 08512

#17

In re Application of
Jonathan W. Nyce
Serial No.: 09/543,679
Filed: April 4, 2000
Attorney Docket No.: EPI-0067191

WITHDRAWAL OF ABANDONMENT

This is in response to the petition under 37 CFR 1.181, filed June 19, 2003, requesting withdrawal of abandonment based on a timely filed reply.

A review of the file history shows the examiner mailed a non-Final Office action to applicants on October 4, 2001, setting a one month shortened statutory period for reply. Applicants replied on January 4, 2002. The examiner then mailed a Notice of Non-Responsive Amendment to applicants on March 4, 2002, requiring further election of a species and sequence, setting a one month shortened statutory period for reply. Upon failure to receive a reply the examiner held the application abandoned by Notice of Abandonment mailed to applicants on June 6, 2003. Applicants state that they replied on April 4, 2002, and provide a copy of the reply. The originally filed copy of the reply has not been located and the copy provided with the petition will be used in lieu thereof. In view of the evidence presented, the Notice of Abandonment was mailed in error and is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

The petition indicates that the application has been transferred from EpiGenesis Pharmaceuticals as of January, 2003. However, no record of any transfer of responsibility or new power of attorney has been received.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

A handwritten signature in black ink, appearing to read "William R. Dixon, Jr."
John Doll
Director, Technology Center 1600